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In The

Supreme Court of the United States

October Term, 1997

ELOISE ANDERSON, Director, California Department of Social Services; CALIFORNIA DEPARTMENT OF SOCIAL SERVICES; PETE WILSON, Governor of the State of California; and CRAIG L. BROWN, Director, California Department of Finance,

Petitioners,

v.

BRENDA ROE and ANNA DOE, on behalf of themselves and all others similarly situated,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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Pursuant to Rule 15.8 of the rules of this Court, petitioners submit this supplemental brief to address the implications of the opinion of the Court of Appeals for the Third Circuit ("Third Circuit") in *Maldonado v. Houstoun*, No. 97-1893, 1998 WL 569359 (3d Cir. Sept 9, 1998). This opinion demonstrates the importance of the issue placed before this Court by the pending petition for writ of certiorari.

In *Maldonado*, although the Third Circuit recognized that "[r]egrettably . . . the law with respect to the constitutional implications of the right to travel is unsettled and in need of clarification," *id.* at *5, the court incorrectly applied a strict scrutiny standard of review to a two-tier durational residency requirement. Once again, a state is prevented from implementing a necessary, federally-authorized, and constitutional component of welfare reform.

Review by this Court of California's petition is necessary to prevent further fundamental errors of analysis by the judiciary. The fact that the trial court in *Maldonado* applied a rational basis standard of review to Pennsylvania's statute, and that the Third Circuit then rejected that analysis, demonstrates the necessity for guidance by this Court as to the correct standard of review.

Thus, contrary to plaintiffs' assertion that the Third Circuit's opinion "eliminates any possible basis for reviewing" the petition (Plaintiffs' Supplemental Brief in

Opposition, page 1), the opinion instead provides additional reasons to grant the pending petition. Therefore, this Court should grant the Petition for Writ of Certiorari.

Respectfully submitted,

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